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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/837,767	Applicant(s) CAMARA ET AL.
	Examiner Michael Roswell	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 1-22, 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.   In regards to claims 1, 9, and 17, the claim language reads indefinitely due to the use of the phrase "in such a way as to give a user the impression". Such terms are viewed as being abstract or relative. As a result, relevant dependant claims are also rejected (claims 2-8, 10-16, 18-22, 26, and 28).

4.   In regards to claim 27, the claim language reads indefinitely due to the use of the phrase "in such a way as to appear to a user".

5.   Claim 1 recites the limitation "the image" in line 4. There is insufficient antecedent basis for this limitation in the claim.

6.   Claim 22 recites the limitation "the loaded plug-in module" in line 20. There is insufficient antecedent basis for this limitation in the claim. The Examiner will further interpret claim 22 as being dependent on claim 21.

7.   Claim 26 recites the limitation "the system of claim 22" in line 13. There is insufficient antecedent basis for this limitation in the claim. The Examiner will further interpret claim 26 as being dependent on claim 23.

8.   Claim 28 recites the limitation "the computer-readable medium of claim 22" in line

1. There is insufficient antecedent basis for this limitation in the claim. The Examiner

will further interpret claim 28 as being dependent on claim 23.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 1-5, 9-11, 14, 23, and 28 are rejected under 35 U.S.C. 102(b) as being

anticipated by Dwyer et al (U.S. Patent No. 5,706,457).

11.   In regards to claim 1, Dwyer's Figure 1 illustrates a computer (item 11) in

communication with an imaging device (item 25). Dwyer goes on to state his invention

as "an image display system that provides for multiple source acquisition and multiple

destination distribution of image and document data" (Column 1, Lines 7-9). Dwyer

states, "the present invention receives image data via a modem, magneto-optical disk,

digital camera, or digital audio tape" (Column 1, Lines 65-66). Dwyer's invention further

transfers the image data from the source to the destination by "automatically archiving

or printing the files" (Column 4, Lines 29-30). By automatically archiving or printing the

files, Dwyer thereby gives a user the impression of direct transfer of the image from the

source to the destination.

12.   In regards to claim 2, Dwyer describes that, "the image display system integrates

a variety of commercial software packages" (Column 3, Lines 3-4). It is inherent that

the instructions for performing the method of Dwyer are stored in at least one of the

memory devices in computer **11** (Dwyer, Figure 1).

13.   In regards to claim 3, Dwyer states, "the image editor **32b** is run **162** to create an

album **38** of the images" (Column 8, Lines 32-33). Then, "the operator is prompted **174**

to determine if the selected album **38** is to be removed from the hard disk drive **5** to the

removable disk" (Column 8, Lines 47-49). Therefore, Dwyer's invention stores the

image on the computer's hard disk before transfer to a destination.

14.   In regards to claim 4, Dwyer discloses, "the operator is prompted **203** to select a

printer" (Column 9, Lines 27-28) before "the image is then printed" (Column 9, Line 33).

Therefore Dwyer's invention receives a selected destination from the user and then

transfers the image to the destination.

15.   In regards to claim 5, Dwyer states, "The present invention also archives and

distributes image and document data to multiple destinations, including magneto-optical

or other storage devices and laser or photographic quality continuous tone printers"

(Column 1, Lines 48-52). Which includes Applicant's claimed printer.

16.   In regards to claims 9 and 23, Dwyer's Figure 1 illustrates a computer (item 11)
in communication with an imaging device (item 25). Dwyer goes on to state his
invention as "an image display system that provides for multiple source acquisition and
multiple destination distribution of image and document data" (Column 1, Lines 7-9).
Dwyer states, "the present invention receives image data via a modem, magneto-optical
disk, digital camera, or digital audio tape" (Column 1, Lines 65-66). Dwyer's invention
further transfers the image data from the source to the destination by "automatically
archiving or printing the files" (Column 4, Lines 29-30), and thus sends the image to an
external destination, the printer. Dwyer discloses, "the operator is prompted **203** to
select a printer" (Column 9, Lines 27-28) before "the image is then printed" (Column 9,
Line 33). Therefore Dwyer's invention receives a selected destination from the user and
then transfers the image to the destination. Dwyer states, "the image editor **32b** is run
162 to create an album **38** of the images" (Column 8, Lines 32-33). Then, "the operator
is prompted **174** to determine if the selected album **38** is to be removed from the hard
disk drive **5** to the removable disk" (Column 8, Lines 47-49). Therefore, Dwyer's
invention stores the image on the computer's hard disk, a computer-readable medium,
before transfer to a destination. Furthermore, Dwyer states "the image display system
integrates a variety of commercial software packages" (Column 3, Lines 3-4) that are
used in the transfer of the images, as shown in Figure 1, Item 32a, much like Applicant's
claimed image helper program module of claim 23. By automatically archiving or

printing the files, Dwyer thereby gives a user the impression of direct transfer of the

image from the source to the destination.

17.   In regards to claim 10, Dwyer describes that, "the image display system

integrates a variety of commercial software packages" (Column 3, Lines 3-4). It is

inherent that the instructions for performing the method of Dwyer are stored in at least

one of the memory devices in computer **11** (Dwyer, Figure 1).

18.   In regards to claim 11, Dwyer states, "the image editor **32b** is run **162** to create

an album **38** of the images" (Column 8, Lines 32-33). Then, "the operator is prompted

174 to determine if the selected album **38** is to be removed from the hard disk drive **5** to

the removable disk" (Column 8, Lines 47-49). Therefore, Dwyer's invention stores the

image on the computer's hard disk before transfer to a destination.

19.   In regards to claim 14, Dwyer states, "The present invention also archives and

distributes image and document data to multiple destinations, including magneto-optical

or other storage devices and laser or photographic quality continuous tone printers"

(Column 1, Lines 48-52). Which includes Applicant's claimed printer.

20.   In regards to claim 28, Dwyer discloses a system similar to Applicant's claim 23

(¶ 16). Dwyer further discloses an "image editor" that "is used to copy contents of the

disk to the hard disk" and "acquire an image from the disk [the source device disk]"

(Figure 3, Items 55 and 60). Dwyer also states "the macro then launches **55** the image

editor **32b** which is used to copy the contents of the magneto-optical disk to the desktop

17" (Columns 5, 6, Lines 67, 1-2), the macro being stored on computer **11** (Figure 1).

This is similar to Applicant's claim 28, wherein a still-image processing layer facilitates

the transfer of the image from the imaging source device to the destination.

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

22.   Claims 6, 12, and 15 are rejected. Dwyer discloses, "the present invention also

archives and distributes image and document data to multiple destinations, including

magneto-optical or other storage devices..." (Column 1, Lines 48-51), without explicitly

stating the use of CD-write devices. Storage devices are well-known in the art to

include: non-removable devices such as hard disks, and removable devices such as

floppy disks, ZIP disks, CD-ROM disks, and CD-R disks and CD-R disk drives. The

Examiner takes Official Notice of this teaching. Therefore, it would have been obvious

to one of ordinary skill in the art at the time of the invention with the teachings of Dwyer

to obtain an image transfer method wherein the destination is a CD-write device. The

motivation to do so is given by Dwyer in the above disclosure.

23.   Claims 7, 8, 13, and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dwyer et al and Davis et al (U.S. Patent No. 5,937,160).

24.   In regards to claims 7, 8, 13, and 16, Dwyer discloses as method similar to claim

1, where Dwyer's Figure 1 illustrates a computer (item 11) in communication with an

imaging device (item 25). Dwyer goes on to state his invention as "an image display

system that provides for multiple source acquisition and multiple destination distribution

of image and document data" (Column 1, Lines 7-9). Dwyer states, "the present

invention receives image data via a modem, magneto-optical disk, digital camera, or

digital audio tape" (Column 1, Lines 65-66). Dwyer's invention further transfers the

image data from the source to the destination by "automatically archiving or printing the

files" (Column 4, Lines 29-30).

25.   However, Dwyer fails to disclose the use of a web site or an e-mail recipient as

the destination for the image transfer.

26.   Davis discloses a method of transfer wherein the invention "integrates the

desired changes into the appropriate Web page. The delivery of these instructions and

revised content information is performed via a specially configured e-mail document

delivered to a server using standard e-mail utilities" (Column 2, Lines 65-67 and Column

3, Lines 1-2).

27.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dwyer and Davis to obtain an image transfer method wherein the destination is a web page or an e-mail recipient.

28.   Further motivation being given by Davis, who states, "when uploading attachments to e-mail messages, in accordance with an embodiment of the present invention, only files of a pre-determined type (e.g., files having the suffixes GIF, JPG, WAV, MID) are accepted by the server" (Column 4, Lines 9-13). Because the GIF and JPG file types are image types, Davis teaches an image transfer method wherein the destination is an e-mail recipient or a web page.

29.   Claims 17, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al and MacNaughton et al (U.S. Patent No. 5,796,393).

30.   In regards to claims 17, 18, 19, and 20, Dwyer's Figure 1 illustrates a computer (item 11) in communication with an imaging device (item 25). Dwyer goes on to state his invention as "an image display system that provides for multiple source acquisition and multiple destination distribution of image and document data" (Column 1, Lines 7-9). Dwyer states, "the present invention receives image data via a modem, magneto-optical disk, digital camera, or digital audio tape" (Column 1, Lines 65-66). Dwyer's invention further transfers the image data from the source to the destination by "automatically archiving or printing the files" (Column 4, Lines 29-30), and thus sends the image to an external destination, the printer. Dwyer discloses, "the operator is prompted 203 to select a printer" (Column 9, Lines 27-28) before "the image is then

printed" (Column 9, Line 33). Therefore Dwyer's invention receives a selected

destination from the user and then transfers the image to the destination. Dwyer states,

"the image editor **32b** is run **162** to create an album **38** of the images" (Column 8, Lines

32-33). Then, "the operator is prompted **174** to determine if the selected album **38** is to

be removed from the hard disk drive **5** to the removable disk" (Column 8, Lines 47-49).

Therefore, Dwyer's invention stores the image on the computer's hard disk, a computer-

readable medium, before transfer to a destination. By automatically archiving or printing

the files, Dwyer thereby gives a user the impression of direct transfer of the image from

the source to the destination.

31.   Dwyer also teaches the inclusion of a computer-readable medium presented in

claim 17, "the image display system integrates a variety of commercial software

packages" (Column 3, Lines 3-4). It is well known in the art that software is stored on a

computer-readable medium, and on that medium are computer-executable instructions.

32.   Furthermore, Dwyer teaches a method for image transfer wherein the image

source device is a digital camera and wherein the image source device is a scanner,

"the present invention provides for reception of digitized images via modem from a

remote location, and the input of images form local sources including digital cameras

and 35 millimeter digitizing camera data backs, an optical scanner, and digitized images

previously stored on magneto-optical disk or digital audio tape" (Column 1, Lines 43-

48).

33.   However, Dwyer does not disclose the inclusion of an on-line web community as

the eventual destination for the image files.

34.   MacNaughton's Abstract teaches "a system and method are disclosed for integrating an on-line service community with a foreign service such as the Internet World Wide Web."

35.   Therefore, by combining the teachings of Dwyer's image transfer method and those of MacNaughton's integration of an on-line community with a foreign service, it would have been obvious for one of ordinary skill in the art at the time of the invention to obtain an image transfer system with the destination being an on-line community similar to Applicant's claimed invention.

36.   Motivation for such a combination is given by Dwyer, who discloses "an image display system that provides for multiple source acquisition and multiple destination distribution" (Column 1, Lines 6-8) and MacNaughton, who includes a forum library that "serves as a storage area for documents, graphics, and other information that may be browsed, searched, or downloaded" (Column 1, Lines 41-43).

37.   Claims 21, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al, MacNaughton et al, and Slik et al (U.S. Patent No. 5,809,145).

38.   In regards to claims 21 and 22, Dwyer and MacNaughton combine to teach a method similar to Applicant's claim 17 (¶ 29-36).

39.   However, Dwyer and MacNaughton do not teach the inclusion of a plug-in module into a method for image transfer to an on-line web community.

40.   Slik et al recite in the Abstract "a system for distributing digital data among a

plurality of customers is provided, which comprises a modular software architecture."

Slik further recites how the modules "allow for the storage and retrieval of datasets from

a variety of storage locations, such as portable storage devices at customer computers

and shared memory devices accessible via communication networks."

41.   Therefore, it would have been obvious to one of ordinary skill at the time of the

invention to include the teachings of Dwyer, MacNaughton, and Slik to obtain a method

of image transfer wherein the method includes plug-in modules adapted to transfer

images to a plurality of destinations, including an on-line web community.

42.   Motivation is given by Slik, who states "in accordance with yet another aspect of

the present invention, the kernel comprises at least one requester module for

maintaining the storage location of the datasets transparently with respect to the

plurality of kernel modules. The datasets can be stored in a plurality of different storage

locations, such as a network server, a database server, a web site server, a portable

storage device, as well as on the hard drive of the customer computer" (Column 4,

Lines 16-23). Further motivation is given by Slik, who states, "the kernel 52 also

comprises a kernel loader 62 which operates in conjunction with the dispatcher 60 to

dynamically load and unload module code and data" (Column 9, Lines 39-41).

43.   Claims 24-27, 29, 30, 31, and 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dwyer et al and Slik et al.

44.   In regards to claims 24, 25, and 26, Dwyer has been shown to disclose a system for image transfer similar to Applicant's claim 23 (¶ 16).

45.   However, Dwyer does not teach the inclusion of a plug-in module with the functionality of Applicant's claims 24, 25, and 26.

46.   Slik et al disclose the use of plug-in modules, wherein the module is adapted to the transfer of the image, communicates through a standard application programming interface, and includes a plurality of modules.

47.   Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dwyer and Slik to obtain an image transfer system that includes one or a plurality of plug-in modules designed to facilitate image transfer.

48.   Motivation for such a combination is given by Slik, who states, "in accordance with yet another aspect of the present invention, the kernel comprises at least one requester module for maintaining the storage location of the datasets transparently with respect to the plurality of kernel modules. The datasets can be stored in a plurality of different storage locations, such as a network server, a database server, a web site server, a portable storage device, as well as on the hard drive of the customer computer" (Column 4, Lines 16-23). Furthermore, the interface for communication is shown in Slik's Figures 6 and 7. Further motivation is given by Slik, who states, "the kernel 52 also comprises a kernel loader 62 which operates in conjunction with the dispatcher 60 to dynamically load and unload module code and data" (Column 9, Lines

39-41).

49.   In regards to claim 27, Dwyer has been shown to disclose a system for image

transfer similar to Applicant's claim 23 (¶ 16).

50.   However, Dwyer does not teach the inclusion of a plug-in module with the

functionality of Applicant's claim 27.

51.   Slik et al disclose the use of plug-in modules, wherein the module is adapted to

the transfer of the image and communicates through a programming interface.

52.   Therefore, it would be obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Dwyer and Slik to obtain an image transfer

system on a computer-readable medium that includes the use of plug-in modules to

facilitate the transfer of the image from the source to the destination.

53.   Motivation for such a combination is given by Slik, who states, "in accordance

with yet another aspect of the present invention, the kernel comprises at least one

requester module for maintaining the storage location of the datasets transparently with

respect to the plurality of kernel modules. The datasets can be stored in a plurality of

different storage locations, such as a network server, a database server, a web site

server, a portable storage device, as well as on the hard drive of the customer

computer" (Column 4, Lines 16-23). Thus, Slik discloses a module similar to Dwyer's

image editor (Figure 2, Item **32b**) adapted to transfer the image from the source device

to the destination. Furthermore, the interface for communication is shown in Slik's

Figures 6 and 7. Further motivation is given by Slik, who states, "the kernel 52 also

comprises a kernel loader 62 which operates in conjunction with the dispatcher 60 to

dynamically load and unload module code and data" (Column 9, Lines 39-41).

54.   In regards to claims 29, 30, 31, and 32, Dwyer has been shown to teach a

method for transferring and image from a source device to a destination (¶ 11), wherein

the image is stored on the computer's hard drive before transfer (¶18), the destination is

a printer (¶ 19), and the destination is a CD-write device (¶ 22).

55.   However, Dwyer does not disclose the inclusion of plug-in modules into such a

method.

56.   Slik et al have been shown to include plug-in modules adapted to the transfer of

image data (¶ 38-42).

57.   Therefore, it would be obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Dwyer and Slik to obtain an image transfer

system that includes a plug-in module designed to facilitate image transfer.

58.   Motivation for such a combination is given by Slik, who states, "in accordance

with yet another aspect of the present invention, the kernel comprises at least one

requester module for maintaining the storage location of the datasets transparently with

respect to the plurality of kernel modules. The datasets can be stored in a plurality of

different storage locations, such as a network server, a database server, a web site

server, a portable storage device, as well as on the hard drive of the customer

computer" (Column 4, Lines 16-23).   Thus, Slik discloses a module similar to Dwyer's

image editor (Figure 2, Item **32b**), adapted to transfer the image from the source device

to the destination.

59.   Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dwyer et al, Slik et al, and Davis et al.

60.   Dwyer and Slik have been shown to teach a computer implemented method for

transferring an image from a source device to a destination wherein the method include

the use of plug-ins to facilitate such a transfer (¶ 54-58).

61.   However, Dwyer and Slik do not teach the inclusion of a web site or an e-mail

recipient as a destination.

62.   Davis has been shown to teach the use of a web site or an e-mail recipient as a

destination (¶ 24-28).

63.   Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the above teachings of Dwyer, Slik, and Davis to obtain

an image transfer method utilizing plug-ins wherein the destination is either a web site

or an e-mail recipient.

64.   Motivation to do so is given by Davis, wherein the invention "integrates the

desired changes into the appropriate Web page. The delivery of these instructions and

revised content information is performed via a specially configured e-mail document

delivered to a server using standard e-mail utilities" (Column 2, Lines 65-67 and Column

3, Lines 1-2) and who states, "when uploading attachments to e-mail messages, in

accordance with an embodiment of the present invention, only files of a pre-determined

type (e.g., files having the suffixes GIF, JPG, WAV, MID) are accepted by the server"
(Column 4, Lines 9-13). Because the GIF and JPG file types are image types, Davis
teaches an image transfer method wherein the destination is an e-mail recipient or a
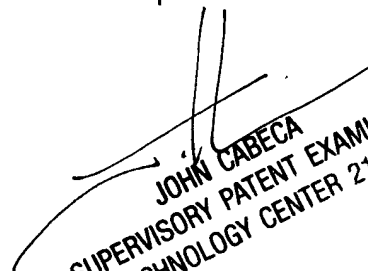web page.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Michael Roswell whose telephone number is 703-305-
5914. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Cabeca can be reached on 703-308-3116. The fax phone number for
the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-306-
5484.

Michael Roswell
October 31, 2003

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100